



**B. Timeliness of Removal**

This removal is timely. This removal is being filed within thirty (30) days of Nautilus' receipt of the Complaint and is therefore timely under 28 U.S.C. § 1446(b).

**C. Diversity Jurisdiction**

This action is within the original jurisdiction of the District Court pursuant to 28 U.S.C. § 1332. Section 1332 provides, in pertinent part, that “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different States.” 28 U.S.C. § 1332(a)(1). This action satisfies both statutory requirements.

**1. The Amount in Controversy Exceeds \$75,000**

In the Complaint, the Plaintiffs seek monetary damages not to exceed Two Hundred Thousand and 00/100 Dollars (\$200,000.00). (*See Collective Exhibit A*, Complaint, Prayer for Relief ¶ B).

**2. There is Diversity of Citizenship between the Plaintiffs and the Defendant**

There is complete diversity between the parties:

- a. Plaintiffs, upon information and belief, are residents of Murfreesboro, Rutherford County, Tennessee.
- b. S.K. Enterprises, upon information and belief, is a Tennessee partnership, which operates a hotel known as Jackson Motel in Murfreesboro, Rutherford County, Tennessee.
- c. Nautilus is a corporation duly organized and existing under the laws of a state other than Tennessee with its principal place of business located in Arizona.

As a result of the foregoing, there is complete diversity between the Plaintiffs and Defendant. As a result, there is diversity of citizenship in this matter for purposes of 28 U.S.C. § 1332.

**D. Nature of Claim: Alleged Breach of Contract**

Plaintiffs generally allege a breach of contract against Nautilus. (*See Collective Exhibit A*, Complaint, Count 2 ¶¶ 19-22). Plaintiffs challenge the appraisal process and seek to hold Nautilus liable for breach of contract on the basis that it failed and refused to fully and promptly pay the amounts owed to Plaintiffs as a result of property damage to Jackson Motel caused by wind and hail.

**E. Notice to State Court and Plaintiff**

Contemporaneous with the filing of this Notice, Nautilus has provided written notice to the Plaintiffs and has filed a notice of this removal with the Chancery Court for Rutherford County, Tennessee.

**F. Conclusion**

Wherefore, this action should proceed in the United States District Court for the Middle District of Tennessee, as an action properly removed thereto.

Respectfully submitted,

*/s/William S. Walton*


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**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been forwarded, via first class, U.S. Mail, on this 15<sup>th</sup> day of May, 2013, to the following:

J. Brandon McWherter, Esq.  
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